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STATE DOCUMENTS

State of South Carolina

State Ethics Commission

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FEBRUARY - MARCH 1993

NEWSLETTER

93-004

NEW COMMISSION STAFF

Hannah P. King is the new Campaign Disclosure coordinator. Prior to joining the Commission, Hannah worked for the South Carolina Wildlife and Marine Resources Department.

We welcome Hannah to the staff. Please call on her for any assistance.

APRIL 15TH DEADLINE

Public officials, public members, and public employees are reminded of the April 15 deadline for filing an updated Statement of Economic Interests. The forms are due in to the Commission no later than April 15.

The Commission will be sending reminder notices to required filers on April 1. In addition, the chief agency official will be sent a listing of all agency persons who have not filed as of April 1.

Forms were provided to all persons on the agency mailing list in late December 1992. Forms may be obtained from the Commission office or may be obtained from the Clerk of Court's Office in each county.

Failure to file the form within five days after the filing deadline may result in a fine of \$100, plus \$10 per each additional day, to a maximum of \$500.

APRIL 10TH QUARTERLY DISCLOSURE OF CAMPAIGN FINANCES

Candidates and committees are reminded of the April 10 quarterly filing deadline for submission of Campaign Disclosure Forms. The quarterly report is required of any candidate or committee whose campaign account is still open and has not filed a final report.

Forms may be obtained from the Commission office or may be obtained from the Clerk of Court's Office in each county.

Failure to file the form within five days after the filing deadline may result in a fine of \$100, plus \$10 per each additional day, to a maximum of \$500.

COMMISSION ACTIONS

As a result of complaints filed with the Commission and investigations conducted by the Commission, the following action was taken:

On September 16, 1992, the Commission dismissed charges of using his office for personal financial gain against Herman Smalls, after he resigned from Ravenel Town Council and agreed to pay restitution to the Town.

On January 6, 1993, former Richland I School Board Member, Darrell Jackson was fined \$50.00 and a hearing was waived for failure to disclose business transactions with SC ETV and his relationship with a lobbyist on his Statement of Economic Interest.

On January 20, 1993, the Commission waived further proceedings against former ABC Commissioner Allan Wayne Crick, after he pleaded no contest to misconduct in office on a related matter. Mr. Crick was sentenced to ninety days imprisonment, suspended on one year probation and 250 hours of community service.

On March 15, 1993, the Commission waived further proceedings against William Morris Harrington, Executive Director of the Marlboro County Commission on Alcohol and Drug Abuse, and a member of the Marlboro County School Board after he pleaded guilty to misconduct in office. Mr. Harrington was sentenced to one year imprisonment, suspended on one year probation and 250 hours of community service.

Late Filing Penalties were also levied against the following candidates for failure to properly file Campaign Disclosure reports:

<u>NAME/POSITION SOUGHT</u>	<u>FINE LEVIED</u>
Valaria H. Anderson Dorchester County Probate Judge	\$200.00
John W. Sowell Chesterfield County Treasurer	\$200.00
James VanValkenburg Concerned Citizens for Richland County Council District 9	\$100.00
John T. Atkins Sumter County Sheriff	\$400.00
Marion Jerome Geddings Sumter County Sheriff	\$500.00
Melvin K. Younts Greenville County School Board	\$100.00
Sherman L. Anderson Richland Five School Board	\$200.00

ANNUAL REPORT

Limited copies of the Commission's Annual Report for FY92 are available. The Annual Report contains a summary of Commission

actions including the full text of the 243 advisory opinions issued during FY92.

Contact Terri Connor at 253-4192 if you need a copy.

ADVISORY OPINIONS

Any person to whom the ethics law applies may request an advisory opinion which is binding on the Commission. The Commission may issue a formal opinion based upon a written request. The Commission staff researches the question(s) presented and drafts an opinion for approval by the full Commission. Any such opinion request must be received no later than the first of the month so that it can be staffed and addressed at the regular monthly meeting.

Informal opinions may be requested by telephone, in person, or by letter. In responding to these, the staff may provide copies of prior opinions which address the question. These informal opinions are not binding on the Commission but are for purposes of informing of precedents or when time is of the essence. If the Commission has no related opinions, the staff may suggest that a formal opinion be obtained.

Advisory opinions are discussed by the Commission in open session. If the requestor desires, his/her name and agency may be withheld. Informal opinions are confidential unless the requestor provides otherwise.

LOBBYING REGULATION AND REGISTRATION

The State Ethics Commission will be responsible, effective July 1, 1993, for the administration of the provisions of the Ethics Reform Act regarding registration and regulation of lobbyists. Any questions involving lobbyists should be addressed to the Secretary of State's Office until July 1.

COMMISSION MEETING DATES

April 28 - Regular Meeting
Hearing on draft regulations (Tentative)

May 19 - Regular Meeting

TRAINING DATES

April 8, 9-12

April 30, 9-12

DRAFT REGULATIONS

The Commission has drafted regulations for the administration of the Ethics Reform Act. The notice has been published in the State Register. A public hearing, if necessary, will be held on Wednesday, April 28.

ADVISORY OPINIONS

SEC A093-064 February 17, 1993

FIRE DISTRICT COMMISSIONER PREPARING FIRE DEPARTMENT PAYROLL. PLACEMENT OF MONEY INTO COMMISSIONERS' RETIREMENT ACCOUNTS.

A fire district commissioner/treasurer is not prohibited from contracting with the district to prepare the fire department's payroll, as long as he complies with the requirements of Sections 8-13-700 and 8-13-775. Provided the commissioners comply with the requirements of Section 8-13-700(B), the Ethics Reform Act would not appear to prohibit a fire department's decision to deposit money into a retirement fund for the fire district commissioners.

SEC A093-065 February 17, 1993

APPLICABILITY OF ETHICS REFORM ACT TO VOLUNTEER FIREMEN

The Ethics Reform Act's rules of conduct provisions would not generally apply to volunteer firemen serving on the Dillon City Fire Department.

SEC A093-066 February 17, 1993

FILING OF STATEMENT OF ECONOMIC INTERESTS BY ADVISORY BOARD MEMBERS

For the limited purpose of filing Statements of Economic Interests in accordance with Section 8-13-1110(B), members of the Heritage Trust Advisory Board are considered public members of a State board, commission, or council; however, members of the Marine Recreational Fisheries Advisory Board are not.

SEC A093-067 February 17, 1993

COUNTY COUNCIL MEMBER PARTICIPATING IN ENVIRONMENTAL ISSUES

A county councilman may participate in governmental decisions involving environmental issues, including the appeal of a DHEC permit, provided that the decision does not affect his economic interests.

SEC A093-068 February 17, 1993

HIGHWAY COMMISSIONER'S LAW FIRM
REPRESENTING CLIENTS IN HIGHWAY
CONDEMNATION ACTIONS

Individuals and businesses that are associated with a public member occupying statewide office are not necessarily prohibited from representing clients before any level of the governmental entity with which the public member is associated, only those for which the public member has official responsibility as defined in Section 8-13-100(23).

SEC A093-069 March 15, 1993

COUNTY TAX ASSESSOR, ASSISTANT TAX ASSESSORS AND COUNTY AUDITOR PERFORMING PRIVATE APPRAISAL WORK

Absent internal procedures to prevent conflicts between private property appraisals and those conducted for the county, the Marion County Auditor, County Tax Assessor and assistant tax assessors are advised against performing private property appraisals within the county in which they serve.

SEC A093-070

March 15, 1993

COUNTY TAX ASSESSOR'S OFFICE IS AN
AGENCY, UNIT OR SUBUNIT OF THE COUNTY

For the purposes of Section 8-13-740(A)(4),
the Beaufort County Tax Assessor's Office
is considered an agency, unit or subunit of
the county.

SEC A093-071

March 15, 1993

APPLICATION OF ETHICS REFORM ACT TO SCHOOL
DISTRICT EMPLOYEES

A state employee should not accept a \$25
gift certificate for making a presentation
in his official capacity. Money provided
by a school business partner may be used to
recognize awards for teacher excellence
since they are not being given to influence
the recipients' official actions or as a
reward for specific advice or assistance
rendered in the course of the teachers'
position responsibilities.

State Ethics Commission

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